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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,395	03/09/2001	Steven Spielberg	80700.911	7561

22804 7590 09/26/2007
THE HECKER LAW GROUP
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LOS ANGELES, CA 90067

EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/802,395

Applicant(s)

SPIELBERG, STEVEN

Examiner

Tran A. Quoc

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 64, 65 and 67.
Claim(s) rejected: 60-63 and 68-74.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____

William F. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

Continuation of 3. NOTE: Claims 60-61, 63-65, 68-74 have been amended to include features that has not been presented and examining by the examiner .

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's amendment after final office action filed on 09/18/2007, have been consider but does not place the application in condition for allowance, because of the following reasons:

Beginning on page 9 of 15 of the REMARKS (hereinafter the remarks), Applicant argues the following issues, which are accordingly addressed below.


Firstly, the allowable subject matter indicated in the previous rejection mailed 07/09/2007, claims 64, 65, and 67 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, the Applicants have not amended those claims accordingly.

Secondly, as to newly amended claims 73 and 74, have been consider but does not place the application in condition for allowance, because, Logan discloses the system allows a user to record an annotation/comment for a text document using a mobile computing device. The mobile computing device is the equivalent of the recited "smart telephone." Moreover, Logan expressly states that "numerous other information storage, processing a communications schemes" may be used in the system (see Logan Column 1, Lines 42-65; see Column 3, Line 24 through Column 4, Line 3; see Column 6, Line 36 through Column 7, Line 2 and also the Office Action mailed 07/09/2007.)

Thirdly, 102(b) or 103 (a) rejections to claims 60, 61, 63, and 68-74, have been consider but does not place the application in condition for allowance, because, Applicants argues toward the newly amended features as cites in item (3) above.

In addition, as discussed in the previous Office Action dated 07/09/2007, specifically, Logan discloses the system allows a user to record an annotation/comment for a text document using a mobile computing device. The mobile computing device is the equivalent of the recited "smart telephone." Moreover, Logan expressly states that "numerous other information storage, processing a communications schemes" may be used in the system (see Logan Column 1, Lines 42-65; see Column 3, Line 24 through Column 4, Line 3; see Column 6, Line 36 through Column 7, Line 2 and also the Office Action mailed 07/09/2007.)

Accordingly, for at least all the above evidence, Examiner respectfully maintains the rejection of claims 60-63 and 68-74 at this time. .


WILLIAM BASHORE
PRIMARY EXAMINER